PATENT APPLICATION Docket No. \_\_\_\_16-089

WATTS, HOFFMANN, FISHER & HEINKE CO., L.P.A PO Box 99839 Cleveland, Ohio 44199-0839

**Assistant Commissioner for Patents** 

## BOX PATENT APPLICATION

Washington, D.C. 20231

## NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the PATENT APPLICATION of Inventor(s): Alan Glen Solheim et al.

For (Title): WAVELENGTH ASSIGNMENT IN AN OPTICAL WDM NETWORK

This new application is for a(n):  Original Design Divisional Continuation _XX Continuation-in-part (CIP)	
Papers enclosed are:  24  Pages of Specification  7  Pages of Claims  1  Pages of Abstract  6  Sheets of Drawings (XX_formal/_informal)  Preliminary Amendment Information Disclosure Statement XX Declaration or Oath (XX executed by inventors) XX Applicant is a Small Entity XX Assignment to Innovance Networks XX cover sheet for Assignment accompanying new patent application XX Priority being claimed from USSN 09/909,265, filed July 19, 2001 XX Nonpublication Request	i

## CERTIFICATE OF MAILING BY U.S. EXPRESS MAIL

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date <u>December 12, 2001</u> in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number <u>ELSL0973045u5</u> addressed to the: Assistant Commissioner for Patents, BOX PATENT APPLICATION, Washington, D.C. 20231.

Cherie Weaver

Signature

Claim For Benefit of Prior US Provisional Application - 35 U.S.C. §119(e)  The new application being transmitted claims the benefit of prior					
US provisional application(s):					
Provisional Application	on Number	Filing Date			
	application being trand the Specification ation ation-in-part	ansmitted claims the benefit of prior U.S. by inserting before the first line the			
of copending applica	tion(s)				
		filed on <u>July 19, 2001;</u> and gned, filed on <u>October 11, 2001</u> .			
Inventorship Stateme	ent				
The inventor	ship for all the cla	ims in this application(s) are:			
XX	the same.				
Maintenance of Co	pendency of Prior	Application			
prior application unti		response extends the term in the pending			
<u></u>	A copy of the petition	on filed in prior application is attached.			
Abandonment of P	rior Application (if	applicable)			
	application is pend time or to revive in application is grant	e prior application at a time while the prior ing or when the petition for extension of that application is granted and when this ed a filing date so as to make this ing with said prior application.			

XX

		,			
CLAIMS AS FILED					
Nui	mber filed	Number	Extra Rate	Basic Fee	
				\$740.00	
Total					
Claims	37 -20=	17	x \$18.00=	306.00	
Independer					
<u>Claims</u>	6 - 3=	3	x \$84.00=	252.00	
Multiple					
<u>Dependent</u>	Claim(s), if a	any	\$280.00=		
Total Filing Fee Calculation			\$ <u>1298.00</u>		
Design Application Filing Fee Calculation \$					
XX Filing Fee for a Small Entity (50%) \$_649.00				\$ 649.00	
XX Fee for Recording Assignment (\$40) \$\frac{40.00}{}					
XX Enclosed is a check in the amount of \$689.00					
Charge Deposit Account No. 23-0630 in the amount of \$					

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23-0630.

(signature)

Kenneth J. Smith

(name)

Reg No. <u>45,115</u>

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## NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)

First N	amed Inventor	Alan Glen Solheim
Title	WAVELENGT WDM NETWO	H ASSIGNMENT IN AN OPTICAL
Atty Do	ocket Number	16-089

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

\_12/12/01 Date

Signature

Kenneth J. Smith

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).